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**MINUTES OF THE COUNCIL AND GENERAL COURT—
1622-1629.**

From the originals in the Library of Congress.

(CONTINUED.)

[59]

4. Capt. Tobias ffelgate (1) sworne & examined sayeth that this voidage he brought over with him in his shipp the James for Mr Richard Bennett, deceased, divers goods & merchandise & that ye said Richard Bennett remaineth indebted unto himselfe for some part of ye freight of the said Goods amounting unto seventene pounds in readye monye of England.

5. It is therefore ordered that Mr Lodwick Pearle shall shipp in the good shipp called ye James five hundred waight of Tobacco, to be consyned to Mr Edward Bennet in London, to satisfye & secure Capt. ffelgate for seventene pounds sterlinge in lawfull monye of England remaining due unto him for part of ye freight of those goods w'ch he brought over for Mr Richard Bennet this last voiage, hee affirming uppon his oath yt in England he could make proof of the same.

6. It is ordered according to conditions & covenants bearing date the 25th of September 1622 betweene Wessell Webling & Mr Edward Bennett that he ye said Wessell Webling shall goe downe and live uppon the 50 acres of land w'ch hee is to have of ye said Mr Bennett, & shall pay for the same 50l

1. Capt. Tobias Felgate, through a considerable period of years, commanded a ship in the trade between England and Virginia. He patented 150 acres at Kiskiack upon Pamunkey (York)River in 1632. See this Magazine II, 181, 182.

yearly & two dayes worke & such other things are are contained as ye said covenants, & that Mr Bennett or s'cces'rs shall deliver him his apparell mentioned in the covenant & appoint out ye said 50 acres of land.

7. It is ordered that Mr Pearle shall signify to Mr Edward Bennet by letter into England that he doe w'th as much speed & conveniency as may be send over hither the Indentures of Ri hard Stubbs, to show what time & terme of service the said Richard hath to serve him w'ch if he shall not doe or make proffe of, the said Richard Stæbbs shalbe free at the end of fower years service & ye rather ye overseers of ye said Edward Bennet have broken up the chest of the said Richard Stubbs & lost his Indentures.

[60]

8. It is ordered that wherea^h Capt. Jorn Wilcox (2) by a noate & receipt under his hand doth bind himselfe to deliver one shalope w'th appurtenances to Mr Claybourne or his Assignes at Kiccoughtan as by the same doth more at large appear bearing date ye 21st of Novemb. 1625 & hath neglected to make delivery of ye said shalope & by ye complaint of Tho. Harwood who bought ye said shalope of the said Mr Claybourne doth appeare, & it is therefore thought fitt trat ye Attorney of ye said Capt. Wilcox doe make satisfaction unto ye ^haid Tho. Harwood, viz. 100l of Tobacco according as was received for the same, And moreover wheras it is alledged yt ye said Wilcox have received 60l of tobacco for the said shalope after ye time yt ye same was due to be delivered it is ordered uppon proffe being made that ye said Tho. Harwood shall have ye said 60l of tobacco paid unto him also in regard of the damadge he suffered by ye want of ye said shalope It is thought fitt yt the tobacco be paid w'th allowance of 12l in ye hundred.

2. Captain John Wilcox came to Virginia in 1620 and was a Burgess in 1623. He had come from Plymouth, England. See this Magazine II, 77, 78.

9. It is ordered that Willi'm Ramshaw shall goe downe to Mathews Manor (3) & worke at the trade of a blacksmyth untill he have by his worke satisfyed twelve hundred pounds of Tobacco unto Mr Michael Marshatt for w'ch he standeth indebted unto him, and alsoe to satisfie unto Mr Utie 2621 of Tobacco & pay his fees to ye Provost Marshall.

[61]

A record of Wessell Webling his Indentures. To all to whom these presents shall come greating in o'r Lord God everlasting, know ye that I Wessell Webling sonne of Nicholas Webling of London, Brewer, for & in consideration yt I have beene furnished & sett out & am to be transported unto Virginia at ye costs & charges of Edward Bennett of London, merchant, & his associates & in consideration that they have promised & covenanted to maintain me w'th sufficient meat, drink & apparell, doe by these presents bind my^helf an apprentice unto ye said Edward Bennett for the full terme of three yeares to begin the first [*sic.* feast] of St Michael the Archangel next after the date of these presents, promise & bind myself to doe & perform all the said time of my aprentishipp true & faithfull service in all labours & business as the said Edward Bennett or his assigns shall imploy me in & to be tractable & obedient as a good servant ought to bee in all such things as shall be commanded me by ye said Edward Bennett or his

3. Mathews Manor, in what was later Warwick County, was the home of Samuel Matthews, who was Governor 1658-1660. Michael Marshott or Marshall seems to have been frequently in Virginia and a man of prominence; but very little is known in regard to him. In 1629 the Assembly paid him 4500 lbs. of tobacco for sixteen carriages for ordnance; in 1631 another payment was made to him and a gratuity of 4500 lbs. tobacco ordered to be sent to relieve the necessities of Marshott's wife and children, in consideration of the good service he had done the colony. In 1632 he was paid 5875 lbs. of tobacco. He was a member of the House of Burgesses 1627-8, and by that Assembly, was appointed, together with Sir Francis Wyatt, and Edward Bennett, a commissioner to negotiate with the English government in regard to tobacco.

Assignes in Virginia & at the end of the said terme of three yeares the said Edward Bennett do promise to give unto ye said apprentice a house & 50 acres of land in Virginia to hold to me my heirs & assignes for ever, according to ye custome of land there holden & also shall give the said apprentice necessary & good apparell & ye sayd apprentice shall inhabit & dwell uppon ye said land & shall pay yearly for ye said fiiftye acres of land fro' after yt he shalbe therof possessed unto ye said Edward Bennett ye yearly rent of 50 shillings sterling for ever & two days work yearly & to all & singular ye covenants aforesaid one ye party & behalfe of the said apprentice [62] to be performed & kept in manner & forme as aforesaid, The said apprentice bindeth himselfe to his said Master In these presents. In witnes whereof ye partyes aforesaid to these present Indentures have sett their hands & seales the 25 of Septemb. 1622.

Signett
Ed. Bennett

Ext
Will'm Claybourne

A recorde of Capt. Wilcoxes covenants.

November 22^d 1625

Know all men by trese presents yt I John Wilcox of Accomacke, gent., do acknowledge my self to have receaved from Will'm Claybourne fower hundred weight of Tobacco in full paiment and satisfaction for a shalope w'th the appurtenances & I do hereby further bind myself to deliver the said shalope unto ye said W'm Claybourne w'thin sixtene dayes next ensuing after ye date of these presents in good condition w'th all things therunto belonging.

In witnes whereof I have hereunto set my hand the daye & year first above written.

John Wilcocks

Witness
Edward Waters

Thus paid

| | |
|------------------------|------|
| to Mr Southerne..... | 2001 |
| to Mr Waters..... | 200 |
| to Capt. Epps..... | 40 |
| to himself..... | 60 |
| to Lieut. Purfury..... | |

[63]

A Court at James City 1626 20th of Novemb'r present S'r George Yardley, Knt., Governor &c, Doctor Pott & Mr Claybourne.

Mr [:] Atkins

[Rest of page is blank]

[6]

[Though this page is numbered 6 in the transcripts, it evidently should follow immediately after the preceding]

A Court at James City the 4th of December 1626, present S'r George Yeardley, Knt., Governor &c., Capt Smyth, Mr Perfrey, Mr Claybourne & Mr fferar.

1. At this Court there was a voluntary agreem't made betweene Capt John Martin, Robert Thresher and Thomas Gates that there shalbe chosen an Arbitrator on the party of Capt. Martin & another on ye party of Thomas Gates & likewise an Arbitrator on the party alsoe of ye said Capt. Martin & another on ye party of Robert Thresher, And that ye said Arbitrators shall view the works & houses w'ch have been built & done by ye said Tho: Gates and Robert Thresher uppon ye plantation of Martin Brandon (4) and shall judge

4. For a notes on Martins Brandon, later called Brandon, see this magzine IV, 315-316; VII, 210, 211, 357; XV, 56. Down to about 1830 Brandon contained its original extent, about 7000 acres. It was then divided, Upper Brandon being built by William Byrd Harrison on his part of the estate. Brandon proper descended in the line of his brother George Evelyn Harrison, and, though a good deal of land his been separated from this portion, the beautiful old house and grounds, and a large estate are still owned by the descendants of George E. Harrison.

on their consciences what the work & houses there done & built shalbe worth & so value the same in Tobacco, And then ye said Capt. Martin to pay unto ye said Robert Thresher & Thomas Gates such Tobacco as this worke done as aforesaid shall amount unto, And then ye said Robert Thresher & Tho Gates to deliver upp all such writings as Capt. Martin hath made unto them concerning and holding or possesing any land in Martin Brandon, And this Arbitration to be done before Christmas next, and for default in any of the partys aforesaid to be censured by the Court

Nathaniel Causey sworne & examined sayeth that he hath seene a letter written by Rowland Truelove & others of that Company (5) directed to William White signifeyeinge [7] unto him yt whereas hee had formerly written unto them in behalfe of John Browne their servant yt they would release some of ye time of his service dew unto them, they did write in ye said letter, that they were content to release two years of the said John Browne his time if hee ye said Mr White did please and yt said letter was in ye hands of Mr James Corker [or Carter], master of the Anne.

3. It is ordered uppon ye former oath of Mr Causey who is alsoe deputed as overseer of the Truelove plantation, that the said John Browne be made free & released from thise two.... yeares time of service remaining, he having alreadye served five yeares.

4. It is ordered that Rice Hooe shall receive fro' Mrs Boise all such writings as are in her hands belonging to W'm Besse, late of Jourdaynes Journey, and an account of all such tobacco as hath bene received by Mr Luke Boise: And yt Mrs Boise doe keepe in her possession, if shee please, for the next yeare one boy servant belonging to ye said W'm Besse or untill further order bee sent out of England fro' him whereby hee doe signifye & expresse himselfe at what rate & price he will accept of tobacco for ye said boy servant amounting to yt some of 40l. sterling according as hee hath formerly written [8] to Mr Luke Boise, And that then shee paying the said to-

5. For a note on Nathaniel Causey and the Truelove Plantation, see this magazine XXI, 282.

bacco shall enjoy ye boy for his whole time. And if ye said Besse shall otherwise dispose of ye boy then the said Mrs Boise shall ye next yeare deliver him upp & pay for his service one hundred waight of tobacco

finis Curiae

[9]

A Court at James Citty the 11th of Decemb. 1626, present Sir George Yeardley, Knt., Governor &c., Capt. Smyth, & Mr Claybourne

1. At this Court Richard Bridgewater, Lawrence Smallpage & John Milnehouse did make agreem't to live & dwell at Pashbehayes in those houses in w'ch they now are, & that they have as much ground as they can use, paying for the same each of them one capon or two pullets quarterly unto the Governor.

2. Whereas it appears to ye Court by sufficient virtues & by the petition of John Trehern (6) of Chaplins Choise, that he, ye said John Treherne did ye last year 1625 shippe in ye Anne of London, whereof James Carter was then master, one hogshead of tobacco w'ch was consigned to be delivered unto ye brother of ye said John Treherne in London, and that the said James Carter himselfe did make sale of ye said Tobacco w'thout any warrant to doe ye same, it is therefore ordered that Richard Looe, master of ye Anne in whose hands resteth all ye estate of ye said James Carter, doe pay unto ye said John Treherne, two hundred & thirty waight of Tobacco in leafe stript & smothed together w'th one hogshead in satisfaction of ye said tobacco w'ch he sold belonging unto ye said John Treherne

Finis Curiae

6. John Trehern, aged 33 years in 1624-5, who had come in the True-love in 1622, lived at Chaplains Choice, Charles City, now Prince George.

[10]

The testimony of Richard Looe

I Richard Looe doe uppon my certaine knowledge testifye that the last voiadge in ye Anne 1625 there was the quantity of one hogshead of Tobacco shipped in ye Anne by John Treherne of Chaplins Choise and yt ye said Tobacco was landed in Rngland

Richard Looe

The Humble petition Of John Treherne

To ye right Hon'll S'r George Yeardly, knt., Governor and Capt. generall of Virginia & to ye rest of the Council of State

I herewith yt your petitioner ye last time of Mr Carters departure out of this Country for England delivered unto him 160l. of tobacco to give to his brother in London, Mr Carter arriveing here backe againe your petitioner demanded account of ye tobacco and was answered by him, yt hearing your petitioners brother was dead hee made sale of it himselfe and yt hee should have soe much tobacco paid him backe againe or soe much comodities to yr full valew thereof. Your [petitioner] desiring ye benefitt yt was made thereof Mr Carter not likeing denyed and soe parted yt before your petitioner had speech with him, and one in his behalfe asked Mr Carter if he had brought any supply from his brother for he had sold the tobacco himselfe and brought Comodities for itt. Your petitioner desireth not that in soe much ye tobacco belonged unto him properly and that he being the adventurer thereof to England and that Mr Carter [11] herein did more show himselfe a factor then a master of a shipp, but yt hee may have ye full & whole benefitt of his own tobacco: may it therefor please this Wor'll Court soe to Censure of your petitioners cause, as he may receave not only the value of his tobacco, but also ye profit & benefitt of ye same, hee allowing this present master of the shipp all such charges as is theruppon due

And your pet. &c

The examination of Mr Theod'e Pettus taken the 6th of Novemb. 1626 before Mr Will'm fferrar and Mr Nathaniell Causey, is as followeth:

This deponent affirmeth yt he being aboard Mr James Carter's shipp as hee was coming upp the said Mr Carter demanding how John Treherne did, this deponent asked whether hee had brought a supply from his brother or noe, Mr Carter tould him that hee had a supply for him, but not fro' his brother, for his brlther was dead, & that his brothers wife would fayne have had ye tobacco w'ch ye said Treherne sent home by ye said Mr Carter, but hee would not deliver it, but confessed to this deponent that hee had sold ye tobacco himselfe, and yt he had brought Comodityes for ye said Treherne

Signed by me

Theodore Pettus

[12]

A Court at James Citty the 18th day of Decemb. 1626, present S'r George Yeardley, knt., Governor &c, Capt Smyth, Mr Persey & Mr Claybourne

1. Whereas there remaineth in ye hands of Capt Nathaniel Basse a deed of mortgage belonging unto Mr Michael Marshatt made & sealed by Capt ffancis West, Esqr, the Court doth thinke fitt yt said deed be delivered unto ye said Michael Marshatt, merchant, as it appeareth of right to belonge unto him

2. Whereas there is order given & published that noe shippes should breake bulke before their arrivall at James Citty yet notw'thstanding seinge that by misaccident the Marmaduke is now come aground below Mulberrye Iland it is thought fitt by ye Court and leave given to merchants & such others as hav goods in the said shipp to litten & unlode such part & quantity of ye said goods as may be sufficient to free ye said shipp & make her afloate, provided that the said goods be brought upp to James Citty & noe indirect bargains & sales made contrary to the said order.

3. At this Court brought & presented the last will & testam't of Will'm ffoster of Elizabeth City who deceased about the 10th of the present month by Richard Popelye, And proved it to be the last will & testam't of the said Will'm ffoster by the oath of * * * [page torn] wins who being sworne and examined sayeth [13] that ye said will was ye will & testam't of Will'm ffoster aforesaid & yt he was in perfect sense & memory at ye making & delivery of ye same.

Wheruppon it is ordered that the Administration of all ye goods & chattels of the said ffoster be granting unto ye said Richard Popely (7) & that he bring in an Inventory of the same &c.

4. Uppon the petition of Tho. Phillips (8) late planter at Hog Iland the Court hath licensed & permitted him by reason of divers inconveniences alledged [by him] to remove & plant himselfe at Capt. Mathews his plantation on the other side of the water.

5. Richard Lord sworne and examined saith that he heard Tho. Gates acknowledge that hee sold unto George Riddle a certaine sune of tobacco of w'ch hee then promised to make paiment unto him.

6. ffrancis Stone sworne & examined sayeth that he heard Thomas Gates confesse & acknowledge that he owed unto George Riddle ninety wayght of tobacco of w'ch he then promised to make present paim't

finis Curiae

7. Lieutenant Richard Popeley, who was born in 1608 in the parish of Wolley, Yorkshire, owned later 700 acres at the Middle Plantation (Williamsburg) and did good service defending the county against the Indians. In 1627 he was given 1500 lbs of tobacco by the Council, "he being a man that both heretofore and is still ready to do good service to the Colony".

8. At the time of the Census of 1624-5 there were two men named Thomas Phillips in the colony. One lived at Hog Island, as a servant of Lieutenant Edward Berkeley. He had probably become a freeman and is no doubt the man named in the text. The other, who was aged 26 and had come in the William and Thomas, 1618, was a freeman, and lived at Basses Choice, with his wife Elizabeth, age 23, who had come in the Sea Flower, 1621.

[14]

The Quarter Court

A Court at James Citty the 8th of January 1626, present S'r George Yeardley, Knt., Governor &c, Capt. West, Capt. Smyth, Mr Claybourne, Capt Tucker, Mr Persey, Mr fierrar.

It is ordered whereas Thomas Gates hath bene drunke & misbehaved himselfe w'th much disorder, that ye said Thomas Gates shall pay for a fine twenty waight of tobacco & give in bond w'th security of his good behaviour & appearance at the next quarter Court.

George Graves sworne and examined sayeth that the Inventory by him brought into the Court this present day is true & perfect Inventory of all the goods & chattels of Robert Linsey (9) who was the last spring caryed by ye Indians to Pamunkey.

The oath of John Jaxon

9th Octog. 1626 [5?].

John Jaxon sworne & examined sayeth that in April last part this examine & one Robert Linsey went from Martins Hundred w'th certaine Indians unto Pamunkey, then this examine haveing leave to come away home & ye said Robert Linsey being detained there the said Robert at ye departure of this deponent said that as considering all his goods whatsoever he had at home hee gave them unto one Sara Snowe the daughter of Ellenor Graves, if he never came home againe, & then ye said Robert offered to deliver his key of his chest unto this deponent but ye indians would not suffer him

This oath was taken before

Mr. Doctor Pott

Will Claybourne

9. In Feb. 1623, Robert Lindsey lived "Over the River", from Jamestown. In 1624-5, George Graves, who came in the Sea Flower, Elenor, his wife, who came in the Susan, John Graves their son aged 10 years, and Rebecca and Sara Snow, her daughters, lived at James City. John Jackson (who had been a member of the House of Burgesses in 1619), with his son John, age 9 years, was a near neighbor.

[15]

At this Court was one deed indented brought in by Mr George Menefy, Merchant, made between Capt. Hamor, deceased & Zachary Crippes & Edmond White (10) yemome wherein ye said Zachary & Edmond were covenanted and bound to pay unto ye said Capt. Hanor twelve hundred wayht of Tobacco in leafe, the stalke leafe stript out, & twelve hundred waight more; and in the said deed it was not mentioned whether this second twelve hundred should be paid in leafe or w'th allowance for ye stalks, or not; heruppon ye Court hath ordered that according to ye custome of this Country that ye said second twelve hundred shalbe paid unto ye said Mr Menefy after five score to ye hundred & nle allowance for ye stalks.

Finis unide

[16]

The Court at James City the 9th of January 1626, being present:

| | |
|--------------|----------------------------------------|
| | Sir George Yeardley, Knt., Governor &c |
| Capt. Smyth | Mr Claybourne |
| Mr Persey | Capt Tucker |
| Capt Mathews | Mr fferrar |

Whereas Richard Tailor, planter, hath made complaint to ye Court that he sustaineth much wronge from Thomas Harris and others yt plant on his dividnt at ye necke of lande (11); Now ye Court taking the same into consideration judge that ye said

10. Edward or Edmond White who came on the Bona Nova, 1620 lived near Zachary Cripps at the Treasurer's Plantation, James City, 1624-5. A note on Cripps has been printed.

11. This "Neck of Land in the Upper Parts" was, of course a different place from that of the same name near Jamestown. The upper neck was in the present Chesterfield County, and is now known as Jones' Neck, not far below Dutch Gap. It was originlly called Rochdale Hundred.

Thomas Harris hath done noe wronge unto ye said Richard, but that it appeareth by a deed under ye handes & seales of ye said Richard Tailor & Willi'm Vincent & George Grimes that their dividents of cleared land should then by their consent be equally divided between the said Thomas Harris & such others as were then to plant on ye said land, as by ye said deed bearing date ye 22th January 1622 doth more fully appeare. It doth moreover appear to ye Court by one Com'ission granted by S'r ffrancis Wyatt, Knt., late Governor, that the said Thomas Harris & others that then intended to goe & plant uppon ye said necke of land shguld have five acres a share given & granted unto them & to theire heirs & assignes for ever on that place, the said Com'ission bearing date the 20th of January 1622, And the Court doth therefore give leave unto them to take upp their said shares of five acres uppon ye said necke of land, provided that they do take it without ye lymits and grounds of such Patents as are there already granted.

It is ordered that Richard Tailor doe pay unto Thomas Harrys for damage in this suit 20l. of Tobacco & so such others as hee has asked to be brought downe to ye Court by warrant twenty pounds of To each one of them.

At this Court there was leave & license given to Edward Temple servant to Mr Douglas to remove fro' Jordans Journey & plant himselfe at Martins Brandon according to his masters letters

(To be continued.)